



AFP TRIES TO ACQUIRE RIGHTS FROM MR. MOREL

88. 2:06 a.m. January 13, 34Benjie tweeted to Mr. Morel, “Hi Daniel, great pictures from such a difficult environment. I work for AFP, please e-mail ben.fathers@afp.com.” At this time, even if not sooner, a “kill” should have been sent out to subscribers and clients since it was obvious that AFP had no authorization from Mr. Morel to send out the Infringing Iconic Images and the Infringing Iconic Images were not by Lisandro Suero.

89. 3:10 a.m. January 13, 2010, danidelpino tweeted to Mr. Morel “Well Daniel is working for AFP. At least all the pictures from Haiti that the agency is sendin.”

90. 5:38 a.m. on January 13, 2010, Ben Fathers, “34benjie” tweeted to Mr. Morel, “Daniel, I work for AFP, please contact me ben.fathers@afp.com.”

91. 5:45 a.m. on January 13, 2010, a friend of Mr. Morel, Phyllis Galembo, “pgalembo,” tweeted, “Daniel—please contact Rita at Corbis—she is trying to contact you!!! you are not getting credit.”

92. 5:54 a.m. on January 13, 2010, Ben Fathers tweeted to Mr. Morel in French, “Daniel, I work for AFP, please contact me ben.fathers@afp.com.”

93. 5:55 a.m. on January 13, 2010, Ben Fathers tweeted to Mr. Morel in French, “Daniel, I work for AFP, I am very interested in your photos, please contact me ben.fathers@afp.com.”

94. 6:01 a.m. January 13, 2010 lpena tweeted to Mr. Morel, “There appears to be no album of portal for this photo, credited to Lisandro Suero/AFP.”

95. At or about 9:01 a.m. on January 13, 2010, Mr. Morel removed the Iconic Images from his TwitPic.

96. An article appears on the Twitter page of “Vite dit” at 9:35 a.m. on January 13, 2010, entitled “Haiti: Attempts to purchase photo on Twitter.” The article states:

Another photographer, Daniel Morel has also established a Twitter feed at night (French time), on which he circulated links to several pictures obviously taken at the scene of the earthquake, but no further details. French sites following the evolution of the situation as closely as 20minutes.fr, slate.fr, rue89, or The Post, have all identified his account.

Other journalists trying to reach Daniel Morel outright via the comments under the pictures, to use or buy [including AFP].

97. A copy of the article, in French and English is attached hereto as Exhibit

F. The page shows several Morel photographs, including several Iconic Images, refers to AFP's search to acquire images from Mr. Morel and includes at the end of the article various tweets referred to in Exhibit

C.

98. Upon information and belief, not until January 13, at 5:30 a.m. EST did AFP issue a wire to change photo credit.

99. On January 13, 2010 at 9:20 a.m., Mark Memmot, on the NPR News blog writes that "some of the most gripping and most



heartbreaking pictures so far from Haiti, in the aftermath of yesterdays devastating earthquake are coming from photographer Daniel Morel. Many of his shots have been distributed by AFP/Getty Images. If you'd like to see more, go to his Twitpic page.”*

100. On or about January 13, 2010 at 10:54 a.m., Getty licenses to Soles4Souls, a charity that provides shoes to impoverished children, rights to use three of the Iconic Images for \$195 each (\$585 total), for their “Project Haiti” posters. Notwithstanding the correction, the Getty license to Soles4Souls is neither for an editorial use (i.e. advertising), nor does it credit Mr. Morel. AFP is listed as the photographer. Attached hereto as Exhibit G are a copy of the Getty Invoice and the poster showcasing the Iconic Images.

101. On a January 13, 2010, Iconic Image #1 appears on the front page of the Vancouver Sun, crediting “AFP/Getty – Lisandro Suero,” notwithstanding that as set forth in ¶78, Can Services, the owner of the Vancouver Sun had attempted to acquire

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A Haitian woman is covered in rubble on January 12, 2010 in Port-au-Prince after a huge earthquake measuring 7.0 rocked the impoverished Caribbean nation of Haiti, toppling buildings and causing widespread damage and panic, officials and AFP witnesses said. A tsunami alert was immediately issued for the Ca
 Photograph by: (DANIEL MOREL/AFP/Getty Images),

Search Results - Vancouver Sun

Photos: Catastrophic earthquake...

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A Haitian woman is covered in rubble in Port-au-Prince after a huge earthquake measuring 7.0 rocked the impoverished Caribbean nation of Haiti, toppling buildings and causing widespread damage and panic, officials and AFP witnesses said.
 Photograph by: Lisandro Suero, AFP/Getty Images

* On April 13, at 1:40 p.m., the blog quotes: “The photo that was with this post originally has been removed. Morel has raised questions about whether his photos could be used by other outlets. See www.npr.org/blogs/thetwo-way/2010/4/17/10 (4/17/10).

rights from Mr. Morel on the evening of January 12.

102. The Iconic Image #1 appears on the website of the Vancouver Sun as of April 19, 2010, with credit to "Daniel Morel AFP/Getty Images" in one photo gallery and "Lisandro Suero/AFP Getty Images" in a separate gallery. Four additional Iconic Images appear in the online gallery, three of which are credited to Lisandro Suero and one credited to Mr. Morel.



103. Upon information and belief, on or about January 13, 2010 at 11:00 a.m. EST and thereafter, Getty licenses the Infringing Iconic Images to various other charities and relief



organizations for a fee for commercial and editorial use. Some of the Infringing Iconic Images are credited to Lisandro Suero.

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News & Information

IOCC Mobilizes Disaster Response for Haiti Earthquake

January 13, 2010

Baltimore, Md. (IOCC) — International Orthodox Christian Charities (IOCC) is responding to the most devastating earthquake to hit the island nation of Haiti in 200 years. Authorities have not put an estimate of how many were killed by yesterday's magnitude 7.0 earthquake, but thousands are feared dead. People are still trapped in destroyed buildings and leveled shantytowns and there is growing concern about the lack of sanitation, water and electricity.

IOCC has mobilized its disaster response team and is coordinating with our Orthodox and ecumenical partners to monitor and respond to the emerging needs in Haiti. "Our prayers are with the people of Haiti who have lost loved ones in this disaster that has brought even more suffering to one of the poorest nations in the hemisphere," said IOCC Executive Director & CEO Constantine M. Triantafyllou. "IOCC will be working with our fellow ACT Alliance members who are already in place to provide humanitarian aid to those affected by the earthquake."

(photo credit: LISANDRO SUERO/AFP/Getty Images)

Some of the Infringing Iconic Images are credited to Daniel or David Morel. All images identify AFP/Getty images as the authorized source.